

# House File 89 - Introduced

HOUSE FILE \_\_\_\_\_  
BY WENDT and WHITEAD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to reimbursement of hazardous substance cleanup  
2 costs.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1203HH 83  
5 tm/sc/14

PAG LIN

1 1 Section 1. Section 455B.392, subsection 1, paragraph a,  
1 2 Code 2009, is amended to read as follows:  
1 3 a. The reasonable cleanup costs incurred by the state ~~or~~  
~~1 4 its political subdivisions~~, by governmental subdivisions, or  
1 5 by any other persons participating in the prevention or  
1 6 mitigation of damages with the approval of the director, as a  
1 7 result of the failure of the person to clean up a hazardous  
1 8 substance involved in a hazardous condition caused by that  
1 9 person.

1 10 Sec. 2. Section 455B.392, Code 2009, is amended by adding  
1 11 the following new subsection:

1 12 NEW SUBSECTION. 1A. A person having control over a  
1 13 hazardous substance is strictly liable to a political  
1 14 subdivision for reasonable cleanup costs incurred by the  
1 15 political subdivision participating in the prevention or  
1 16 mitigation of damages as a result of the failure of the person  
1 17 to clean up a hazardous substance involved in a hazardous  
1 18 condition caused by that person. Moneys collected pursuant to  
1 19 this subsection shall be paid directly to the political  
1 20 subdivision making the claim. Claims under this subsection  
1 21 may be appealed to the commission by the person filing a  
1 22 written notice of appeal within thirty days after the receipt  
1 23 of the bill.

1 24 Sec. 3. Section 455B.392, subsections 5 and 6, Code 2009,  
1 25 are amended to read as follows:

1 26 5. Money collected pursuant to this section, except for  
~~1 27 subsection 1A~~, shall be deposited in the hazardous waste  
1 28 remedial fund created in section 455B.423. Moneys shall be  
1 29 used to reimburse governmental subdivisions requested to  
1 30 assist in the cleanup for which the moneys were collected.  
1 31 The remainder of the moneys shall be used in the manner  
1 32 permitted for the fund.

1 33 6. This section does not deny any person any legal or  
1 34 equitable rights, remedies or defenses or affect any legal  
1 35 relationship other than the legal relationship between the  
2 1 state or political subdivision and a person having control  
2 2 over a hazardous substance pursuant to subsection 1 and  
2 3 subsection 1A.

### EXPLANATION

2 4 This bill relates to the reimbursement of hazardous  
2 5 substance cleanup costs.  
2 6 The bill requires strict liability for a person having  
2 7 control over a hazardous substance to a political subdivision  
2 8 for reasonable cleanup costs incurred by the political  
2 9 subdivision participating in the prevention or mitigation of  
2 10 damages due to the failure of the person to clean up a  
2 11 hazardous substance involved in a hazardous condition caused  
2 12 by that person.  
2 13 The bill makes conforming amendments.  
2 14 LSB 1203HH 83  
2 15 tm/sc/14.1